

A PROFESSIONAL CORPORATION

ROMAN P. STORZER

SIEGLINDE K. RATH*

BLAIR LAZARUS STORZER**

ROBIN N. PICK***

* Admitted in Maryland & N.J.

** Admitted in D.C., Maryland & Illinois

*** Admitted in California & Maryland

OF COUNSEL

ROBERT L. GREENE†

JOHN G. STEPANOVICH††

CHRIS K. COSTA†††

† Admitted in N.Y.

†† Admitted in Virginia, N.Y. & Ohio (inactive)

††† Admitted in N.J., N.Y. and Penn.

1025 CONNECTICUT AVENUE, NORTHWEST

SUITE ONE THOUSAND

WASHINGTON, D.C. 20036

(202) 857-9766

FACSIMILE: (202) 315-3996

BALTIMORE OFFICE:

9433 COMMON BROOK ROAD

SUITE 208

OWINGS MILLS, MD 21117

(410) 559-6325

FACSIMILE: (202) 315-3996

WWW.STORZERLAW.COM

January 29, 2019

Joseph A. Dickson
 United States Magistrate Judge
 Martin Luther King Building & U.S. Courthouse
 50 Walnut Street, Room 4015
 Newark, N.J. 07101

Re: Valley Chabad, et al. v. Borough of Woodcliff Lake, et al.
 Case No.: 2:16-08087-JLL-JAD

Your Honor:

The undersigned represents Plaintiffs Valley Chabad, Inc. and Rabbi Dov Drizin (“private plaintiffs”) in the above-referenced matter. Pursuant to the Pretrial Scheduling Order and Local Rules, the purpose of this letter is to seek the Court’s permission to file a motion to compel based on Defendants’ continuing outstanding discovery deficiencies. Plaintiffs have repeatedly attempted to resolve this matter with the Defendants but have been unsuccessful. A telephone status conference is scheduled with Your Honor on January 30, 2019 at 10:00 a.m.

On July 17, 2017, the private plaintiffs served:

- Plaintiffs’ First Set of Interrogatories on Defendant, Borough of Woodcliff Lake (“Borough”);
- Plaintiffs’ First Set of Interrogatories on Defendant Borough of Woodcliff Lake Zoning Board of Adjustment (“Board”);
- Plaintiffs’ First Set of Interrogatories on Defendant Carlos Rendo (“Rendo”);
- Plaintiffs’ First Set of Requests for Production of Documents on the Borough;
- Plaintiffs’ First Set of Requests for Production of Documents on the Board; and
- Plaintiffs’ First Set of Requests for Production of Documents on Rendo.

Due to ongoing settlement discussions and mediation between the parties, the parties had agreed to respond to all mutually outstanding discovery requests by March 16, 2018. The private plaintiffs served Amended Answers to Interrogatories and their Objections and Responses to Defendants' First Request for Production of Documents (but not the documents themselves) on March 16, 2018. On March 19, 2018, Defendants served their Answers to Interrogatories from the Zoning Board and on March 20, 2018, the Zoning Board's document responses. On April 19, 2018, the Defendants served Answers to Interrogatories on behalf of the two other Defendants, the Borough of Woodcliff Lake and Carlos Rendo. The parties submitted an ESI order on April 26, 2018. Following the filing of this Order, the private plaintiffs served their documents, consisting of documents Bates-stamped VC00001 through VC 37244 on the Defendants on May 2, 2018.

On May 11, 2018 and June 21, 2018, the undersigned sent a letter to Your Honor indicating that the following remained outstanding from the Defendants:

1. Responses and Objections to Plaintiffs' First Request for Production of Documents served upon Defendant, Carlos Rendo.
2. Responses and Objections to Plaintiffs' First Request for Production of Documents served upon Defendant, Borough of Woodcliff Lake, N.J.
3. Any documents responsive to the Requests for Production of Documents and Interrogatories served upon all three Defendants.

Your Honor entered a Text Order in response indicating that by May 25, 2018, the Defendants must respond to Plaintiff's letter. (Dkt. #37.) On May 28, 2018, Defendants indicated by letter to your Honor that they expected to comply within two weeks or June 11, 2018. (Dkt. #38.) Defendants served a small handful of documents related to only a few document requests on June 27, 2018. Moreover, these documents were not produced according to the specifications set forth in the ESI order. Defendants did not and still have not served Responses and Objections to Plaintiffs' First Request for Production of Documents served upon Defendant Carlos Rendo and Responses and Objections to Plaintiffs' First Request for Production of Documents served upon Defendant Borough of Woodcliff Lake, N.J.

On August 3, 2018, the private plaintiffs sent a letter to Defendants detailing the deficiencies in Defendants' interrogatories. Plaintiffs have not received supplemental interrogatories responses or any response to the August 3, 2018 letter.

On September 7, 2018 Plaintiffs followed up with Defendants regarding the outstanding discovery issues via phone and email.

On September 14, 2018, the private plaintiffs served Supplemental Requests for Production of Documents on Defendants Borough, Board, Rendo and Paul Bechtel. To date, the private plaintiffs have not received any responses to the supplemental requests from Defendants.

On October 11, 2018, an ESI conference took place in which the private plaintiffs, the United States and Defendants discussed ESI collection and production. Defendants agreed to produce documents in response to Requests for Production of Documents within 45 days of receiving custodians and search terms from Plaintiffs. Private plaintiffs and the United States provided Defendants with custodians and search terms on November 21, 2018. Defendants' documents were to be produced by January 5, 2019.

On December 13, 2018, the private plaintiffs emailed Defendants to meet and confer on the outstanding discovery issues and have received no response.

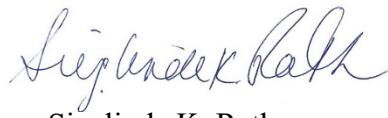
On January 4, Defendants informed the private plaintiffs and the United States that due to technical and other issues that “[t]he ESI vendor initially experienced some limited technical issues and then some individuals were unavailable during the holiday season so WCL was unable to keep with its initial timeline. We have been advised that counsel for WCL will receive the raw search response from the vendor no later than January 11, 2019.” On January 9, 2019, Plaintiffs informed Defendants that they would extend the deadline for document production to February 1, 2019.

In sum, Plaintiffs still have not received:

- Responses and Objections to Plaintiffs’ First Request for Production of Documents served upon Defendant Rendo;
- Responses and Objections to Plaintiffs’ First Request for Production of Documents served upon Defendant Borough;
- Updated interrogatory answers in response to the August 3, 2018 letter;
- Responses and Objections to Plaintiffs’ Supplemental Requests for Production of Documents served upon Defendant Borough;
- Responses and Objections to Plaintiffs’ Supplemental Requests for Production of Documents served upon Defendant Board;
- Responses and Objections to Plaintiffs’ Supplemental Requests for Production of Documents served upon Defendant Rendo;
- Responses and Objections to Plaintiffs’ Supplemental Requests for Production of Documents served upon Defendant Paul Bechtel;
- Any documents responsive to RPD’s or Interrogatories in the manner specified in the ESI order.

Plaintiffs have attempted to resolve these issues with Defendants on multiple occasions through phone calls and emails, but Defendants have not responded to Plaintiffs’ attempts to resolve these issues without court intervention. Currently, fact discovery is set to close on May 15, 2019. Plaintiffs are being prejudiced by this extreme delay and request permission to file a motion to compel.

Respectfully submitted,



Sieglinde K. Rath

cc: All counsel of record via ECF